

**TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 2, 2005**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.
Absent and excused -- LeFavour, Wood. Total -- 2.
Total -- 70.

Prayer was offered by Representative Eskridge.

The Pledge of Allegiance was led by Sarah Dexter, Page.

Approval of Journal

February 2, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-third Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

February 1, 2005

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

H 5

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

February 1, 2005

Mr. Speaker:

I transmit herewith **S 1003** and **S 1008** which have passed the Senate.

WOOD, Secretary

S 1003 and **S 1008** were filed for first reading.

February 1, 2005

Mr. Speaker:

I return herewith **H 4** and **H 9** which have passed the Senate.
WOOD, Secretary

H 4 and **H 9** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 2, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HJM 1**, **HJM 2**, **H 77**, **H 78**, **H 79**, **H 80**, **H 81**, **H 82**, **H 83**, **H 84**, **H 85**, **H 86**, and **H 87**.

FIELD(18), Chairman

HJM 1 and **H 83** were referred to the Resources and Conservation Committee.

HJM 2, **H 84**, **H 85**, **H 86**, and **H 87** were referred to the State Affairs Committee.

H 77 was referred to the Revenue and Taxation Committee.

H 78, **H 79**, **H 80**, **H 81**, and **H 82** were referred to the Judiciary, Rules, and Administration Committee.

February 1, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 27**, **H 28**, **H 29**, and **H 31** and recommend that they do pass.

CROW, Chairman

H 27, **H 28**, **H 29**, and **H 31** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

**HOUSE CONCURRENT RESOLUTION NO. 6
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE CONCERNING THE PROGRAM OF AMERICA'S PROMISE, DESIGNATING THE IDAHO LEGISLATURE TO BE A LEGISLATURE OF PROMISE AND ENCOURAGING LEGISLATORS TO SUPPORT COMMUNITIES OF PROMISE TO DELIVER THE FIVE BASIC PROMISES TO IDAHO'S YOUTH.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Presidents' Summit for America's Future in 1997 challenged the nation to make children and youth a national priority by providing opportunities for their success through the fulfillment of fundamental promises; and

WHEREAS, America's Promise was drafted to include Five Basic Promises for youth:

- Ongoing relationships with caring adults;
- Safe places with structured activities during non-school hours;
- Healthy start and future;
- Marketable skills through effective education;

- Opportunities to give back through community service; and

WHEREAS, Idaho became a State of Promise in 1998, and Governor Dirk Kempthorne, on behalf of the people of the state of Idaho, received the inaugural "Promise of America Award" from former President George H. W. Bush in October, 2003; and

WHEREAS, a statewide network of organizations and individuals has established thirteen Communities of Promise throughout the state intent on delivering the Five Basic Promises to the youth of their communities; and

WHEREAS, Communities of Promise are dependent upon leaders in the community to implement programs designed to deliver the Five Basic Promises locally; and

WHEREAS, it is appropriate that citizens look to their elected officials for support of programs that ensure the success of youth.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho be declared a "Legislature of Promise"; and

BE IT FURTHER RESOLVED that legislators support and encourage existing programs and promote development of new Communities of Promise within their districts for providing programs designed to deliver the Five Basic Promises to the youth in each community in Idaho.

HCR 6 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 88 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE DEPARTMENT OF FINANCE; REPEALING SECTIONS 67-2750 THROUGH 67-2764, IDAHO CODE, RELATING TO THE IDAHO CONTINUING-CARE DISCLOSURE ACT; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2750, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2751, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2752, IDAHO CODE, TO SET FORTH PROHIBITED CONDUCT; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2753, IDAHO CODE, TO PROHIBIT THE EMPLOYMENT OR AFFILIATION OF CERTAIN PERSONS; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2754, IDAHO

CODE, TO SET FORTH THE POWERS OF THE DIRECTOR OF THE DEPARTMENT OF FINANCE; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2755, IDAHO CODE, TO PROVIDE FOR INJUNCTIONS AND OTHER REMEDIES; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2756, IDAHO CODE, TO PROVIDE FOR CUSTOMER INDEMNIFICATION; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2757, IDAHO CODE, TO PROVIDE FOR THE INSTITUTION OF CRIMINAL PROCEEDINGS; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2758, IDAHO CODE, TO PROVIDE CRIMINAL PENALTIES AND TO LIMIT ACTIONS; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2759, IDAHO CODE, TO PROVIDE THAT CRIMINAL PUNISHMENT IS NOT EXCLUSIVE; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2760, IDAHO CODE, TO PROVIDE FOR JUDICIAL REVIEW OF ORDERS; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2761, IDAHO CODE, TO PROVIDE FOR ADMINISTRATION; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2762, IDAHO CODE, TO PROVIDE FOR ADMINISTRATIVE PUBLIC HEARINGS AND TO PROVIDE AN EXCEPTION; AMENDING TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 37, TITLE 26, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A STATEMENT OF PURPOSE, TO DEFINE TERMS, TO PROVIDE FOR REGISTRATION AND ANNUAL FEES, TO REQUIRE DISCLOSURE STATEMENTS OF FINANCIAL RESPONSIBILITY, TO PROVIDE FOR SPECIFICATION FOR RESIDENCE CONTRACTS, TO PROVIDE FOR ESCROWS, TRUSTS, SURETY BONDS AND COLLECTION OF DEPOSITS, TO PROHIBIT CROSS-COLLATERALIZATION, TO PROVIDE FOR AUDITS, TO PROVIDE CIVIL LIABILITY, TO PROVIDE FOR INJUNCTIONS, TO SET FORTH GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF REGISTRATION, TO PROVIDE FOR OATHS AND SUBPOENAS, TO PROVIDE PUNISHMENT, TO SPECIFY EXEMPTION FROM CRIMINAL PROSECUTION FOR TESTIMONY, TO PROVIDE CRIMINAL PENALTIES AND TO PROVIDE FOR REGULATORY AUTHORITY; AMENDING SECTION 26-1111, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING CHAPTER 22, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2226, IDAHO CODE, TO SET FORTH PROHIBITED CONDUCT; AMENDING SECTION 26-2501, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 26-2505, IDAHO CODE, TO PROVIDE FOR ADMINISTRATION AND ENFORCEMENT BY THE DIRECTOR OF THE IDAHO DEPARTMENT OF FINANCE AND TO MAKE TECHNICAL CORRECTIONS; AND TO PROVIDE FOR SEVERABILITY.

HOUSE BILL NO. 89
BY BUSINESS COMMITTEE
AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-5602, IDAHO CODE, TO REVISE TIME PERIODS APPLICABLE TO NOTIFICATION REQUIREMENTS.

HOUSE BILL NO. 90
BY BUSINESS COMMITTEE
AN ACT

RELATING TO LIFE INSURANCE; AMENDING SECTION 41-2005, IDAHO CODE, TO RAISE THE STATUTORY LIMIT ON THE AMOUNT OF CREDIT LIFE INSURANCE THAT CAN BE WRITTEN UNDER A GROUP INSURANCE POLICY, TO MAKE TECHNICAL CORRECTIONS AND TO CORRECT CODIFIER ERRORS.

HOUSE BILL NO. 91
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO FISH AND GAME CONSERVATION OFFICERS; AMENDING SECTION 36-1301, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR MAY AWARD A CONSERVATION OFFICER HIS BADGE, DUTY WEAPON AND HANDCUFFS UPON RETIREMENT IN CERTAIN CIRCUMSTANCES, TO REVISE DESCRIPTIVE LANGUAGE AND TO MAKE TECHNICAL CHANGES.

HOUSE BILL NO. 92
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-2203, IDAHO CODE, TO REVISE STANDARDS RELATING TO SHOOTING PRESERVES AND TO PROVIDE FOR GRANDFATHER RIGHTS.

HOUSE BILL NO. 93
BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE
AN ACT

RELATING TO MENTAL HEALTH RECORDS OF OFFENDERS; AMENDING CHAPTER 2, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-217, IDAHO CODE, TO PROVIDE FOR THE TRANSMISSION OF CERTAIN MENTAL HEALTH RECORDS FOR OFFENDERS UNDER CERTAIN CONDITIONS AND TO PROVIDE THAT NO COURT ORDER OR INDIVIDUAL AUTHORIZATION IS REQUIRED EXCEPT IN THE CASE OF SUBSTANCE ABUSE RECORDS.

HOUSE BILL NO. 94
BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE
AN ACT

RELATING TO PRISONERS; AMENDING SECTION 18-101A, IDAHO CODE, TO REVISE DEFINITIONS IN ORDER TO PROVIDE REFERENCES TO PERSONS ON PAROLE OR PROBATION AND TO MAKE A TECHNICAL CHANGE; AND AMENDING SECTION 18-6110, IDAHO CODE, TO

PROHIBIT SEXUAL CONTACT BETWEEN PRISONERS AND EMPLOYEES OF THE IDAHO DEPARTMENT OF CORRECTION AND TO DELETE OBSOLETE LANGUAGE.

HOUSE BILL NO. 95
BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE
AN ACT

RELATING TO THE STATE BOARD OF CORRECTION; AMENDING SECTION 20-225, IDAHO CODE, TO INCREASE THE MAXIMUM FEE THAT MAY BE REQUIRED FOR THE PAYMENT OF SUPERVISION COSTS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 96
BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE
AN ACT

RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT; AMENDING CHAPTER 30, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-3012, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE FOR ENACTMENT, TO PROVIDE AN OVERVIEW, TO DEFINE TERMS, TO SET FORTH PURPOSES, TO PROVIDE FOR RESPONSIBILITIES OF COMPACT PARTIES, TO PROVIDE FOR AUTHORIZED RECORD DISCLOSURES, TO SET FORTH RECORD REQUEST PROCEDURES, TO ESTABLISH THE COMPACT COUNCIL, TO PROVIDE FOR RATIFICATION, TO SET FORTH MISCELLANEOUS PROVISIONS, TO PROVIDE FOR RENUNCIATION, TO PROVIDE SEVERABILITY AND TO PROVIDE FOR THE ADJUDICATION OF DISPUTES; AND AMENDING CHAPTER 30, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-3013, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE IDAHO STATE POLICE TO APPOINT A COMPACT OFFICER.

HOUSE BILL NO. 97
BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE
AN ACT

RELATING TO SEXUAL OFFENDERS; AMENDING SECTION 18-8304, IDAHO CODE, TO REVISE APPLICATION OF THE CHAPTER AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 18-8307, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO INITIAL, LOCAL AND ANNUAL REGISTRATION OF SEXUAL OFFENDERS.

HOUSE BILL NO. 98
BY EDUCATION COMMITTEE
AN ACT

RELATING TO SCHOOL FUNDS; AMENDING SECTION 33-906B, IDAHO CODE, TO PROVIDE AN ADDITIONAL ALTERNATIVE VALUE INDEX RELATED TO CALCULATIONS OF THE FREE AND REDUCED PRICE LUNCH PROGRAM WHICH MAY BE INCLUDED IN THE VALUE INDEX CALCULATION.

HOUSE BILL NO. 99
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO AN ELECTION ON PROPERTY TAX RELATED MATTERS; AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE THAT ANY TAXING DISTRICT MAY SUBMIT TO THE ELECTORS WITHIN THE DISTRICT THE QUESTION OF WHETHER THE BUDGET FROM PROPERTY TAX REVENUES MAY BE INCREASED BEYOND THE AMOUNT AUTHORIZED, BUT NOT BEYOND THE LEVY AUTHORIZED BY STATUTE, TO PROVIDE THAT THE ADDITIONAL AMOUNT MUST BE APPROVED BY SIXTY-SIX AND TWO-THIRDS PERCENT OR MORE OF THE VOTERS VOTING ON THE QUESTION AT AN ELECTION CALLED FOR THAT PURPOSE AND TO PROVIDE THAT WHEN A NONSCHOOL DISTRICT CONSOLIDATES WITH ANOTHER NONSCHOOL DISTRICT OR DISSOLVES AND A NEW DISTRICT PERFORMING SIMILAR GOVERNMENTAL FUNCTIONS AS THE DISSOLVED DISTRICT FORMS WITH THE SAME BOUNDARIES WITHIN THREE YEARS, THE MAXIMUM AMOUNT OF A BUDGET OF THE DISTRICT FROM PROPERTY TAX REVENUES SHALL NOT BE GREATER THAN THE SUM OF THE AMOUNTS THAT WOULD HAVE BEEN AUTHORIZED FOR THE DISTRICT ITSELF OR FOR THE DISTRICTS THAT WERE CONSOLIDATED OR DISSOLVED AND INCORPORATED INTO A NEW DISTRICT; AMENDING SECTION 31-1420, IDAHO CODE, TO DELETE LANGUAGE REGARDING AN ELECTION BY VOTERS IN A FIRE PROTECTION DISTRICT TO HAVE THE DISTRICT REACH A CERTAIN LEVY AMOUNT; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 100
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1420, IDAHO CODE, TO PROVIDE THAT A FIRE PROTECTION DISTRICT MAY PURCHASE AMBULANCES AND RELATED EQUIPMENT AND PAY SALARIES AND BENEFITS IF AMBULANCE SERVICE IS NOT PROVIDED WITHIN THE DISTRICT AS PROVIDED IN CHAPTER 39, TITLE 31, IDAHO CODE, AND TO PROVIDE THAT A FIRE PROTECTION DISTRICT IS AUTHORIZED TO ENTER INTO A JOINT EXERCISE OF POWERS AGREEMENT WITH A COUNTY TO SHARE EQUIPMENT AND SERVICES IF A COUNTY IS PROVIDING AMBULANCE SERVICE PURSUANT TO CHAPTER 39, TITLE 31, IDAHO CODE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

H 88, H 89, H 90, H 91, H 92, H 93, H 94, H 95, H 96, H 97, H 98, H 99, and H 100 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1003, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

S 1008, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 11, H 14, and H 25, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

H 21, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

S 1026 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **S 1026** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- LeFavour, Wood. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1026** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1029 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **S 1029** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian,

Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- LeFavour, Wood. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1029** passed the House. Title was approved and the bill was ordered returned to the Senate.

H 66 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sayler to open debate.

The question being, "Shall **H 66** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Bedke, LeFavour, Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 66** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, February 3, 2005. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:24 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk